

INFORMATION REQUEST QUESTIONS

Section 1.0 Respondent Information

1. Provide the full legal, registered name and mailing address of Respondent.

Kinder Morgan Bulk Terminals, Inc.
One Allen Center
500 Dallas Street, Suite 1000
Houston, TX 77002

2. For each person answering these questions on behalf of Respondent, provide:

- a. full name;
- b. title;
- c. business address; and
- d. business telephone number, electronic mail address, and FAX machine number.

Nancy Van Burgel
Assistant General Counsel
370 Van Gordon Street
Lakewood, CO 80228-8304
303-914-4634 (bus); Nancy_VanBurgel@kindermogan.com; 303-984-3333 (fax)

Brent McMullin
Regional Environmental, Health & Safety Manager
Kinder Morgan Bulk Terminals, Inc.
West Coast Region
1610 C. Street
Vancouver, WA 98663
360-693-5300 x11; brent_mcmullin@kindermorgan.com; 360-906-0237 (fax)

Jack Waller
Terminal Manager
SSA Marine, Inc., formerly employed by Kinder Morgan Bulk Terminals, Inc.
15550 N. Lombard
Portland, OR 97203
503-285-4200; jack_waller@ssamarine.com; 503-287-7733 (fax)

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number, and, if available, electronic mail address.

Nancy Van Burgel
Assistant General Counsel
370 Van Gordon Street

Lakewood, CO 80228-8304
303-914-4634 (bus); Nancy_VanBurgel@kindermogan.com; 303-984-3333 (fax)

Brent McMullin
Regional Environmental, Health & Safety Manager
Kinder Morgan Bulk Terminals, Inc.
West Coast Region
1610 C. Street
Vancouver, WA 98663
360-693-5300 x11; brent_mcmullin@kindermorgan.com; 360-906-0237 (fax)

Mark Schneider
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
206-359-8627 (bus); mwschneider@perkinscoie.com; 206-359-9627 (fax)

Priscilla Hampton
Perkins Coie LLP
1120 NW Couch Street, 10th Floor
Portland, OR 97209-4128
503-727-2165 (bus); phampton@perkinscoie.com; 503-346-2165 (fax)

Section 2.0 Owner/Operator Information

4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937 - Present). Please note that this question includes any aquatic lands owned or leased by Respondent.
 - Port of Portland Marine Terminal 5. Until May 31, 2011, KMBT managed the facility for Portland Bulk Terminals, LLC ("PBT") under the direction of Canpotex, Ltd.
 - Port of Portland Marine Terminal 4, Slip 3, Berths 410 and 411. KMBT leases the property from the Port of Portland. For additional information, see KMBT's response for Terminal 4.
 - KMBT owns no properties within the Investigation Area.
 - KMBT neither owns nor leases aquatic lands within the Investigation Area.
5. Provide a brief summary of Respondent's relationship to each Property listed in response to Question 4 above, including the address, Multnomah County Alternative Tax lot Identification number(s), dates of acquisition, period of ownership, lease, operation, or affiliation, and a brief overview of Respondent's activities at the Properties identified.

- From March 14, 1996 to May 31, 2011, KMBT, formerly Hall-Buck Marine, Inc., managed Terminal 5 on behalf of PBT. The facility is owned by the Port of Portland. No changes in operation have occurred since PBT's 2008 104(e) response.
6. Identify any persons who concurrently with you exercises or exercised actual control or who held significant authority to control activities at each Property, including:
- a. partners or joint venturers;
 - b. any contractor, subcontractor, or licensor that exercised control over any materials handling, storage, or disposal activity on the Property; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities);
 - c. any person subleasing land, equipment or space on the Property;
 - d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the Property;
 - e. major financiers and lenders;
 - f. any person who exercised actual control over any activities or operations on the Property;
 - g. any person who held significant authority to control any activities or operations on the Property;
- Dustin Wilson, current Assistant Manager*
 - Jack Waller, current Terminal Manager*
- * On May 31, 2011, KMBT ceased management of activities and operations at Terminal 5. Management responsibility has been transferred to Stevedoring Services of America (SSA Marine). Jack Waller and Dustin Wilson are now employees of SSA Marine.
- h. any person who had a significant presence or who conducted significant activities at the Property; and
 - i. any government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Property.
7. Identify and describe any legal or equitable interest that you now have, or previously had in each Property. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed, if applicable. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, purchase and sale agreements, partnership agreements, etc.).

- None. KMBT ceased all management activities at Terminal 5 on May 31, 2011.
8. If you are the current owner and/or current operator, did you acquire or operate the Property or any portion of the Property after the disposal or placement of hazardous substances, waste, or materials on, or at the Property? Describe all of the facts on which you base the answer to this question.
 9. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.
 10. Identify all prior owners that you are aware of for each Property identified in Response to Question 4 above. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:
 - a. the dates of ownership;
 - b. all evidence showing that they controlled access to the Property; and
 - c. all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Property during the period that they owned the Property.
 11. Identify all prior operators of the Property, including lessors, you are aware of for each Property identified in response to Question 4 above. For each such operator, further identify if known, and provide copies of any documents you may have regarding:
 - a. the dates of operation;
 - b. the nature of prior operations at the Property;
 - c. all evidence that they controlled access to the Property; and
 - d. all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Property during the period that they were operating the Property.
 12. If not included in response to any of the previous questions, please describe the purpose and duration of each aquatic lands lease Respondent or the operator of Respondent's Property(ies) ever obtained from the State of Oregon and provide a copy of each application for and aquatic lands lease obtained.

Section 3.0 Description of Each Property

13. Provide the following information about each Property identified in response to Question 4:

- a. property boundaries, including a written legal description;
- b. location of underground utilities (telephone, electrical, sewer, water main, etc.);
- c. location of all underground pipelines whether or not owned, controlled or operated by you;
- d. surface structures (e.g., buildings, tanks, pipelines, etc.);
- Attached are drawings on file showing surface structures.
 - e. over-water structures (e.g., piers, docks, cranes, etc.);
 - f. dry wells;
 - g. treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.);
 - h. groundwater wells, including drilling logs;
 - i. storm water drainage system, and sanitary sewer system, past and present, including septic tank(s) and where, when and how such systems are emptied and maintained;
 - j. subsurface disposal field(s), Underground Injection Control (UIC) wells, and other underground structures (e.g., underground storage tanks (USTs); and where they are located, if they are still used, and how they were closed;
 - k. any and all major additions, demolitions or changes on, under or about the Property, its physical structures or to the property itself (e.g., stormwater drainage, excavation work); and any planned additions, demolitions or other changes to the Property;
- Construction of an additional office building for site contractors and a larger replacement guard station began in March 2011 and was finalized in June 2011. These buildings are located near the current office building. The Port of Portland demolished the railcar rollover facility in 2008. The Port maintained documentation of this activity. In mid 2008, the area around Conveyor Tower 3 was graded and a containment pad was constructed to control residue from potash handling. The additional stormwater from this area was routed to the effluent waste water system.
 - l. all maps and drawings of the Property in your possession; and
- Recent maps and figures are attached.
 - m. all aerial photographs of the Property in your possession.

14. For Properties adjacent to the Willamette River, provide specific information describing the river-ward boundary of private ownership and where state aquatic lands and/or state-management jurisdiction begins. Provide a map that delineates the river-ward boundary of each Property.
15. For each Property, provide all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.
 - Since PBT's 2008 104(e) response, the following documents were prepared:
 - Oregon DEQ issued a source control decision letter to EPA in 2008 that summarizes known environmental conditions at the facility. A copy of the letter is attached.
 - AMEC (an outside consultant) prepared Industrial Hygiene Air Quality Report in 2008. A copy of the report is attached.
 - KMBT prepared compliance stormwater, waste water and air permit annual reports to regulating agencies for the period 2008 to 2011. Copies of these reports are attached as part of the response to Question 58.
16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on each Property. For each such unit or area, provide the following information:
 - a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;
 - b. dated aerial photograph of the site showing each unit/area;
 - c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area;
 - d. the dates that the unit/area was in use;
 - e. the purpose and past usage (e.g., storage, spill containment, etc.);
 - f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area; and

- g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area.
17. If the unit/area described above is no longer in use, how was such unit/area closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.
18. For each Property, provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, ditches, or tributaries discharging into the Willamette River:
- a. the location and nature of each sewer line, drain, ditch, or tributary;
 - b. the date of construction of each sewer line, drain, ditch, or tributary;
 - c. whether each sewer line, or drain was ever connected to a main trunk line;
 - d. whether each sewer line, drain, ditch, or tributary drained any hazardous substance, waste, material or other process residue to the Willamette River; and
 - e. provide any documentation regarding but not limited to the following on any and all outfalls to the Willamette River which are located within the boundaries of the Property(ies). Your response should include, but not be limited to:
 - i. the areas serviced by the outfalls; and
- Referenced documents are attached as part of the response to Question 15.
 - ii. the type of outfall (i.e., storm water or single facility operational).
19. Provide copies of any stormwater or property drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any Stormwater Pollution Prevention, Maintenance Plans, or Spill Plans developed for different operations during the Respondent's operation of each Property.
- Stormwater pollution control logs and supporting documents are attached. Stormwater monitoring reports are attached as part of the response to Question 58.

Section 4.0 Respondent's Operational Activities

20. Describe the nature of your operations or business activities at each Property. If the operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased.

21. At each Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any waste, or material? If the answer to the preceding question is anything but an unqualified "no," identify:
- in general terms, the nature and quantity of the waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - the chemical composition, characteristics, physical state (e.g., solid, liquid) of each waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - how each such waste or material was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and
 - the quantity of each such waste or material used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
- Terminal 5 generates the same types and volumes of waste described in the PBT's 2008 104e response. The wastes are handled in the same manner. All post-2008 volumes and frequencies of wastes generated are documented in the waste manifests, landfill permits and receipts that are attached as part of the response to Question 36.
22. Describe all activities at each Property that was conducted over, on, or adjacent to, the Willamette River. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located in the Willamette River.
- A summary of spills and associated documentation are attached as part of the response to Question 62.
23. For each Property at which there was or is a mooring facility, dock, wharf or any over-water structure, provide a summary of over-water activities conducted at the structure, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, and ship building, retrofitting, maintenance, and repair.
- Ship loading has continued as described in PBT 104e response. Dock repairs and alterations are performed by Port of Portland. Ship fueling is performed by agreement between the vessel operator and the marine fueling vendor. KMBT does not maintain any documentation regarding these routine activities.
24. Describe all activities conducted on leased aquatic lands at each Property. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located on such leased aquatic lands.

25. Please describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on each Property during the period of investigation (1937 - present). Provide the brand name of all pesticides or herbicides used.
- KMBT contracted Drake's 7 Dee to provide herbicide application until August 2009, when the Port of Portland assumed the responsibility for vegetation control. The Port of Portland maintains records on the current spray program.
26. Describe how wastes transported off the Property for disposal are and ever were handled, stored, and/or treated prior to transport to the disposal facility.
27. Has Respondent ever arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials to any Property (including the Willamette River) within the Investigation Area? If so, please identify every Property that Respondent's materials were disposed or treated at in the Investigation Area. In addition, identify:
- a. the persons with whom the Respondent made such arrangements;
 - b. every date on which Respondent made such arrangements;
 - c. the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all materials involved in each such arrangement;
 - d. in general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;
 - e. in general terms, the nature and quantity of any hazardous materials involved in each such arrangement;
 - f. the owner of the materials involved in each such arrangement, if not Respondent;
 - g. all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
 - h. the addressees) for each Property, precise locations at which each material involved in such transactions actually was disposed or treated;
 - i. the owner or operator of each facility at which hazardous or non-hazardous materials were arranged to be disposed at within the Investigation Area;
 - j. who selected the location to which the materials were to be disposed or treated;
 - k. who selected the Property as the location at which hazardous materials were to be disposed or treated; and
 - l. any records of such arrangement(s) and each shipment.

28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).
29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.
30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:
 - a. the date such operations commenced and concluded; and
 - b. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.
31. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.
 - Beginning in March 2011, PBT expanded the office building and maintenance building storage area and added a security guardhouse. These improvements were completed in June 2011.
32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.
33. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.
 - Post-2008 MSDSs are attached.
34. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
 - a. the types of materials used to clean/maintain this equipment/machinery;
 - b. the monthly or annual quantity of each such material used;
 - c. the types of materials spilled in Respondent's operations;
 - d. the materials used to clean up those spills;
 - e. the methods used to clean up those spills; and
 - f. where the materials used to clean up those spills were disposed of.
35. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation.

36. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:
- its physical state;
 - its nature and chemical composition;
 - its color;
 - its odor;
 - the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
 - the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.
- The primary types, volumes and descriptions of wastes generated have not changed since PBT's 2008 104e response. Minor waste streams include infrequent small volumes of unused herbicide; paint and waste paint materials (see attached hazardous waste manifests for frequency and volume). These wastes are liquid or semi-solid, variable in color and have an aromatic or chemical odor. Small volumes of universal wastes such as batteries and light bulbs have little or no odor and are variable in size shape and appearance. Waste manifests, landfill permits and receipts are attached.
37. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste; including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.
38. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.

Brent McMullin
Regional Environmental, Health & Safety Manager
Kinder Morgan Bulk Terminals, Inc.
West Coast Region
1610 C. Street
Vancouver, WA 98663
360-693-5300 x11; brent_mcmullin@kindermorgan.com; 360-906-0237 (fax)

Jack Waller

Terminal Manager
SSA Marine; formerly employed by Kinder Morgan Bulk Terminals, Inc.
15550 N Lombard Street
Portland OR, 97203
503-285-4200; Jack.Waller@ssamarine.com, 503-285-7733(fax)

39. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.
- Waste disposal arrangements have not changed since PBT's 2008 104(e) response. Post-2008 landfill permits and waste manifests are attached as part of the response to Question 36.
40. Provide copies of such contracts and other documents reflecting such agreements or arrangements, Including, but not limited to the following:
- a. state where Respondent sent each type of its waste for disposal, treatment, or recycling;
 - b. identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request);
 - c. if Respondent transported any of its wastes away from its operations, please so indicate;
 - d. for each type of waste specify which Waste Carrier picked it up;
 - e. indicate the ultimate disposal/recycling/treatment location for each type of waste;
 - f. provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste; and
 - g. state the basis for and provide any documents supporting the answer to the previous question.
- KMBT does not maintain contracts for waste disposal. Refer to the PBT's 2008 104(e) response to Question 21 for descriptions of each waste, its disposal destination, and its waste carrier. Refer to PBT's 2008 104(e) response to Question 26 for waste disposal procedures for each waste stream. Post-2008 disposal permits and/or waste manifests are attached as part of the response to Question 36.
41. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
- a. the nature and chemical composition of each type of waste;

- b. the dates on which those wastes were disposed;
 - c. the approximate quantity of those wastes disposed by month and year;
 - d. the location to which these wastes drained (e.g. septic system or storage tank at the Property, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
 - e. whether and what pretreatment was provided.
- There have been no substantial changes to the process of the effluent water system since PBT's 2008 104(e) response. The area around Tower 3 was paved in 2008 and the additional stormwater runoff from this area was routed to the effluent waste water system. Wastewater Discharge Limitations are listed in City of Portland Bureau of Environmental Services Wastewater Discharge Permit #400.132, which is attached as part of the response to Question 52. The volumes of effluent water delivered to the City of Portland Bureau of Environmental Services POTW for 2008 to 2011 are documented in the attachment to Question 58.
42. Identify any sewage authority or treatment works to which Respondent's waste was sent.
43. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations.
- Any post-2008 sludges that were removed are documented in the attachments to Question 36.
44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engaged in, either currently or in the past, related to ship building, retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.
- KMBT has not engaged in ship building, retrofitting, maintenance or repair. Ships' crew may have engaged in minor painting and maintenance of their vessels while moored at Terminal 5. Additionally, vessels are required to paint trip hazards before longshoremen perform work on the vessel. KMBT possesses no documentation of ship repairs conducted at Terminal 5.
45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.
46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.

47. Describe any process or activity conducted on a Property identified in response to Question 4 involving the acquisition, manufacture, use, storage, handling, disposal or release or threatened release of polychlorinated biphenyl(s) ("PCB(s)" or PCB(s)-containing materials or liquids.
48. For each process or activity identified in response to the previous Question, describe the dates and duration of the activity or process and the quantity and type of PCB(s) or PCB(s) containing materials or liquids.
49. For each process or activity identified in response to the previous two Questions, identify the location of the process or activity on the property.

Section 5.0 Regulatory Information

50. Identify all federal, state and local authorities that regulated the owner or operator of each Property and/or that interacted with the owner or operator of each Property. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and/or environmental concerns.
 - KMBT interacts with the following federal, state, and local authorities for the indicated health and safety issues and/or environmental concerns:
 - Oregon Department of Environmental Quality (DEQ) for environmental issues
 - United States and Oregon Occupational Safety and Health Administration (OSHA) for health and safety issues
 - City of Portland for stormwater issues
 - City of Portland Fire Department for fire issues
 - The Oregon State Fire Marshal for Hazardous Materials Inventories
 - United States Coast Guard for marine issues
 - United States Environmental Protection Agency (USEPA) for Superfund issues
 - Documents evidencing specific interactions with these agencies are attached as part of the response to Questions 15, 19, 22, 51, 52 and 57 and 58.
51. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning each Property during the period being investigated related to health and safety issues and/or environmental concerns. Provide copies of all documents associated with each occurrence described.

- Since PBT's 2008 104(e) response, the following violations and notices of non-compliance were identified. Associated documentation is attached.
 - Federal and State OSHA Database – Citations given at one inspection since 2008 – April 14, 2009. Standard cited: Welding, cutting and heating (hot work).
 - U.S. EPA Enforcement and Compliance History Online (ECHO) Database – Enforcement and Compliance (EAC) report shows no record of EAC incidents.
 - Oregon DEQ Notice of Noncompliance (NON) Database:
<http://www.deq.state.or.us/programs/enforcement/NonQuery.asp>; null result.
 - Oregon DEQ Compliance and Enforcement Database:
<http://www.deq.state.or.us/programs/enforcement/EnfQuery.asp>; null result.
 - Oregon DEQ Facility Profiler: <http://deq12.deq.state.or.us/fp20/StartPage.aspx>. Search function is primarily geographic. The facility is listed at 15550 N Lombard Street. Database shows no USTs/LUSTs here. Air Permit Summary indicates that the facility is in compliance. The facility's NPDES permit is current.
- A review of terminal files indicated the following stormwater and wastewater permit violations:
 - On July 31, 2008, KMBT exceeded waste water discharge limits. Schedule of wastewater Discharge Permit No 400.132 specifies zinc daily limit of 3.7 mg/L and oil and grease limit of 110 mg/L. KMBT exceeded both limits with 4.49 mg/L result for zinc and 135 mg/L for oil and grease. A Compliance Telephone Memorandum (CTM) issued by City of Portland stated that this was a minor violation with no civil penalty.
 - On October 24, 2008, KMBT exceeded waste water discharge limits. Schedule of waste water discharge Permit No 400.132 specifies Total Dissolved Solids (TDS) discharge limit of 3500 lbs/day between 10/23/08 and 10/24/08. KMBT exceeded this limit with 3609 lbs TDS. A notification letter issued by City of Portland stated that this was a minor violation with no civil penalty and requested sampling for oil/grease and zinc during the next discharge to the City of Portland sanitary system with submittal of analytical results within 30 days of sampling.
 - On February 19, 2009 a CTM issued by City of Portland stated that the self-monitoring report due by February 15, 2009 had been submitted late. KMBT did submit a report on February 19, 2009. The CTM states that this was a minor violation with no civil penalty.

- On January 27, 2010 KMBT collected a composite sample instead of a “grab” sample for pH analysis. The CTM requests that the facility collect grab samples during the next sampling event.
 - On July 9, 2010, KMBT exceeded waste water discharge limits for zinc. A CTM issued by City of Portland requested the terminal to resample for zinc during the next batch discharge and stated that this was a minor violation with no civil penalty.
 - A routine storm water analysis on December 16, 2008 indicated a zinc concentration of 0.642 mg/L that was in excess of the 0.600mg/L benchmark. KMBT sampled again on December 31, 2008. Results indicated a zinc level of .0863mg/L, which was well within benchmark limitations. The December 16 sample was suspected to be elevated due to a zinc-based anti-corrosion treatment applied by the Port of Portland to concrete and steel repairs around the causeway to the dock. Supporting documents are attached.
52. Provide a list of all local, state and federal environmental permits ever issued to the owner or operator on each Property (e.g., RCRA permits, NPDES permits, etc.). Please provide a copy of each federal and state permit, and the applications for each permit, ever issued to the owner or operator on each Property.
- The following permits were issued to KMBT for Terminal 5:
 - National Pollutant Discharge Elimination System (NPDES) #101377
 - Air Contaminant Discharge Permit #26-3071
 - Industrial Waste Water Discharge Permit #400.132
 - Current permits and permit applications are attached.
53. Did the owner or operator ever file a Hazardous Waste Activity Notification under the RCRA? If so, provide a copy of such notification.
54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.
55. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.
56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.
- N/A.

57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.
- Oregon State Fire Marshal Hazardous Substance Information Surveys are prepared and submitted on an annual basis. Available Fire Marshal surveys are included as an attachment.
58. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq., Oregon Hazardous Substance Remedial Action Law, ORS 465;315, Oregon Water Quality law, ORS Chapter 468(b), Oregon Hazardous Waste and Hazardous Materials law, ORS Chapters 465 and 466, or Oregon Solid Waste law, ORS Chapter 459. Provide copies of each report made, or if only oral reporting was required, identify the federal and state offices to which such report was made.
- KMBT understands this question to request reports regularly required pursuant to permits issued under the above-listed federal and state environmental statutes. The following permits were issued to KMBT for Terminal 5:
 - NPDES Permit #101377 was issued to KMBT under the Clean Water Act. Copies of available Annual Discharge Monitoring Reports (DMRs) are attached. Other stormwater-related correspondence is attached as part of the response to Question 19.
 - Oregon DEQ Air Contaminant Discharge Permit No. #26-3071 was issued by the Oregon DEQ under the Federal Clean Air Act. Copies of available annual reports, DEQ inspection reports and related correspondence are attached.
 - City of Portland Bureau of Environmental Services Wastewater Discharge Permit #400.132 was issued under City of Portland Municipal Code 17.34 and 17.36 and 40 C.F.R. Part 403. Copies of available discharge reports for this permit are attached.
 - As noted above, copies of the permits are attached as part of the response to Question 52. Copies of responsive written communications between KMBT and regulatory agencies are also attached.
59. Provide a copy of any registrations, notifications, inspections or reports required by the Toxic Substances Control Act, 15 USC § 2601 et seq., or state law, to be maintained or submitted to any government agency, including fire marshal(s), relating to PCB(s) or PCB(s) containing materials or liquids on any Property identified in response to Question 4.

60. Has Respondent or Respondent's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the Oregon Department of State Lands ("DSL") or any other state agency concerning an incident, accident, spill, release, or other event involving Respondent's leased state aquatic lands? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between Respondent or its agents and DSL or the other state agency and all documents that were exchanged between Respondent, its agents and DSL or other state agency.
61. Describe all notice or reporting requirements to DSL that you had under an aquatic lands lease or state law or regulation regarding incidents affecting, or activities or operations occurring on leased aquatic lands. Include the nature of the matter required to be reported and the office or official to whom the notice or report went to. Provide copies of all such notices or reports.

Section 6.0 Releases and Remediation

62. Identify all leaks, spills, or releases into the environment of any waste, including petroleum, hazardous substances, pollutants, or contaminants, that have occurred at or from each Property, which includes any aquatic lands owned or leased by Respondent. In addition, identify, and provide copies of any documents regarding:
- a. when such releases occurred;
 - b. how the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
 - c. the amount of each hazardous substances, pollutants, or contaminants so released;
 - d. where such releases occurred;
 - e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
 - f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;
 - g. all persons with information relating to these releases; and
 - h. list all local, state, or federal departments or agencies notified of the release, if applicable.
- KMBT has documented potash spills, minor petroleum leaks from equipment, effluent water leaks and petroleum sheens from vessels moored at the marine dock. Following is .

a summary of spills that occurred subsequent to PBT's 2008 104(e) response. A table summarizing the spills and associated documentation is attached.

- On 5/18/2011, an estimated 100 gallons of bunker oil was released into the Willamette River during fueling of the vessel TRANSCENDEN TIME while moored at the terminal dock. The vessel was being bunkered by a third party.
- On 7/12/2010, an unknown quantity of effluent water was released along the roadway near the approach to the dock due to a ruptured effluent water pipe.
- On 5/30/2010, an unknown quantity of petroleum product was released into the Willamette River by the vessel MV TAO TRIUMPH, causing an oily sheen that spanned 3 feet by 15 feet.
- On 5/9/2010, 3-5 tons of potash was spilled from a rail car inside the rail tracks near the south rollover building.
- On 4/21/2010, an unknown quantity of potash was released into the Willamette River and onto the terminal dock due to a conveyor system overload.
- On 4/17/2010, an unknown quantity of diesel fuel was released from a leaking Union Pacific Railroad air compressor.
- On 2/12/2010, an unknown quantity (less than 55 gallons) of 76 MP Gearlube-85W-140 spilled onto a containment pad.
- On 12/11/2009, 4-5 tons of potassium chloride was released into the Willamette River due to a conveyor system equipment failure.
- On 12/11/2009, an unknown quantity of hydraulic oil leaked from a corroded fitting in the pit basement area.
- On 11/20/2009, an unknown quantity of effluent water was released from a broken effluent pipe onto the ground.
- On 6/14/2008, approximately 175 pounds of potash was released into the Willamette River when a bag fell into the river due to a broken strap.
- On 6/3/2008, 300 pounds of potash was spilled onto a ship hatch cover.
- On 4/28/2008, an unknown quantity of used motor oil was released within a containment area.
- On 4/14/2008, 300 pounds of potash was spilled between conveyors 8 and 9 due to a spike in product volume.

- On 03/26/2008, 1 ton of potash was spilled onto the terminal dock due to a conveyor system overload.
 - On 02/07/2008, 5 tons of potash was spilled onto the terminal dock due to the ship loader overflowing.
 - Spills of dry material to land were cleaned up to the extent practical. Potash spills to the river dissipate quickly due to the solubility of potash in water and, therefore, the material cannot be recovered. Agency notification and further details are listed in the attached summary table and supporting documents.
63. Was there ever a spill, leak, release or discharge of waste, including petroleum, or hazardous substances, pollutant or contaminant into any subsurface disposal system or floor drain inside or under a building on the Property? If the answer to the preceding question is anything but an unqualified "no", identify:
- a. where the disposal system or floor drains were located;
 - b. when the disposal system or floor drains were installed;
 - c. whether the disposal system or floor drains were connected to pipes;
 - d. where such pipes were located and emptied;
 - e. when such pipes were installed;
 - f. how and when such pipes were replaced, or repaired; and
 - g. whether such pipes ever leaked or in any way released such waste or hazardous substances into the environment.
- The effluent water system, which remains in operation, is designed to capture and control waste water at the site and deliver it to the POTW for treatment. Specifically, the system captures water containing potash from the dock, storage buildings, washdown operations and operating areas and drains to the City of Portland sewer system as noted in the response to Question 41. On two occasions (both identified in the response to Question 62), the effluent water system leaked to the ground due to pipe failures. The pipes were repaired promptly.
64. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. amount of soil excavated;
 - b. location of excavation presented on a map or aerial photograph;

- c. manner and place of disposal and/or storage of excavated soil;
 - d. dates of soil excavation;
 - e. identity of persons who excavated or removed the soil, if other than a contractor for Respondent;
 - f. reason for soil excavation;
 - g. whether the excavation or removed soil contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the soil contained, and why the soil contained such constituents;
 - h. all analyses or tests and results of analyses of the soil that was removed from the Property;
 - i. all analyses or tests and results of analyses of the excavated area after the soil was removed from the Property; and
 - j. all persons, including contractors, with information about (a) through (i) of this request.
- Two soil removals were performed in response to minor oil and diesel spills at Terminal 5. Details of the soil removal are included in the summary table attached as part of the response to Question 62. Additionally, in May 2008, approximately 66 tons of gravel and soil were removed as part of a voluntary cleanup related to a site improvement project around Tower 3. The soil had been impacted by amine oil (an anti-caking and dust control agent) which is present in the potash. The soil was excavated by West Coast Marine Cleaning and shipped to Waste Management's Hillsboro Landfill. A concrete containment pad was then built in the area to prevent future impacts. Landfill profiles, permits, and manifests are included as an attachment.
65. Have you ever tested the groundwater under your Property? If so, please provide copies of all data, analysis, and reports generated from such testing.
66. Have you treated, pumped, or taken any kind of response action on groundwater under your Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:
- a. reason for groundwater action;
 - b. whether the groundwater contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the groundwater contained, and why the groundwater contained such constituents;
 - c. all analyses or tests and results of analyses of the groundwater;

- d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and
 - e. all persons, including contractors, with information about (a) through (c) of this request.
67. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into the Willamette River from any equipment, structure, or activity occurring on, over, or adjacent to the river? If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:
- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
 - b. the dates of each such occurrence;
 - c. the amount and location of such release;
 - d. were sheens on the river created by the release;
 - e. was there ever a need to remove or dredge any solid waste, bulk product, or other material from the river as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed..
- See KMBT's response to Question 62. From 2008 to the present, KMBT has not performed any dredging. The Port of Portland dredged the slip in 2010 as part of the berth deepening project. The Port of Portland managed, contracted, and documented the dredging project.
68. For any releases or threatened releases of PCB(s), identify the date, quantity, location and type of PCB(s), or PCB(s) containing materials or liquids, and the nature of any response to or cleanup of the release.
69. For any releases or threatened releases of PCB(s) and/or PCB(s) containing materials or liquids, identify and provide copies of any documents regarding the quantity and type of waste generated as a result of the release or threatened release, the disposition of the waste, provide any reports or records relating to the release or threatened release, the response or cleanup and any records relating to any enforcement proceeding relating to the release or threatened release.

Section 7.0 Property Investigations

70. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Property concerning insurance issues or insurance coverage matters.

71. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, and hydrology or air quality on or about each Property. Provide copies of all data, reports, and other documents that were generated by you or a consultant, or a federal or state regulatory agency related to the investigations that are described.
- An Industrial Hygiene Air Monitoring Report was prepared by AMEC in 2008 for the purpose of determining potassium chloride concentrations in air in operating areas. The report is attached as part of the response to Question 15.
72. Describe any remediation or response actions you or your agents or consultants have ever taken on each Property either voluntarily or as required by any state or federal agency. If not otherwise already provided under this Information Request, provide copies of all investigations, risk assessments or risk evaluations, feasibility studies, alternatives analysis, implementation plans, decision documents, monitoring plans, maintenance plans, completion reports, or other document concerning remediation or response actions taken on each Property.
- KMBT has responded to minor spills as described in the responses to Questions 62 and 64.
73. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property? If so, identify:
- a. what the nature and scope of these investigations will be;
 - b. the contractors or other persons that will undertake these investigations;
 - c. the purpose of the investigations;
 - d. the dates when such investigations will take place and be completed; and
 - e. where on the Property such investigations will take place.
- KMBT has ceased managing operations at Terminal 5. During its tenure, KMBT made no plans to perform any investigations.

Section 8.0 Corporate Information

74. Provide the following information, when applicable, about you and/or your business(es) that are associated with each Property identified in response to Question 4:
- a. state the current legal ownership structure (e.g., corporation, sole proprietorship);
- Kinder Morgan Bulk Terminals, Inc. is a Louisiana corporation.

- b. state the names and current addresses of current and past owners of the business entity or, if a corporation, current and past officers and directors;
 - See attached documentation.
 - c. discuss all changes in the business' legal ownership structure, including any corporate successorship, since the inception of the business entity. For example, a business that starts as a sole proprietorship, but then incorporates after a few years, or a business that is subsequently acquired by and merged into a successor. Please include the dates and the names of all parties involved;
 - No changes have been made to the business's legal ownership structure.
 - d. the names and addresses of all current or past business entities or subsidiaries in which you or your business has or had an interest that have had any operational or ownership connection with the Properties identified in response to Question 4. Briefly describe the business activities of each such identified business entities or subsidiaries; and
 - On July 1, 1998, Hall-Buck Marine, Inc. was purchased and the name was changed to Kinder Morgan Bulk Terminals, Inc. KMBT is owned and operated by Kinder Morgan Operating L.P. "C".
 - Between November 15, 1994 and May 14, 2003, KMBT/Hall-Buck Marine, Inc. held a 10% membership interest in Portland Bulk Terminals, Inc., which leases the Property from the Port.
 - e. if your business formerly owned or operated a Property identified in response to Question 4, describe any arrangements made with successor owners or operators regarding liability for environmental contamination or property damage.
 - N/A
75. List all names under which your company or business has ever operated and has ever been incorporated. For each name, provide the following information:
- a. whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
 - See KMBT's response to Question 74(d).
 - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
 - See KMBT's response to Question 6.

- c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Respondent.
 - KMBT is owned and operated by Kinder Morgan Operating L.P., "C" which is based in Houston Texas at One Allen Center, 500 Dallas Street, Suite 1000, Houston, Texas, 77002, 713-369-9000.
76. Provide all copies of the Respondent's authority to do business in Oregon. Include all authorizations, withdrawals, suspensions and reinstatements.
- See attached documentation.
77. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:
- a. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
 - See KMBT's response to Question 74(d). On July 1, 1998, Hall-Buck Marine, Inc. was acquired and the name was changed to Kinder Morgan Bulk Terminals, Inc.
 - b. the dates such relationship existed;
 - July 1, 1998
 - c. the percentage of ownership of Respondent that is held by such other entity(ies);
 - None
 - d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
 - N/A
 - e. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at each Property; and
 - None
 - f. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation,

total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

- N/A; Hall-Buck Marine, Inc. no longer exists.
78. If Respondent is a partnership, please describe the partnership and provide a history of the partnership's existence. Provide a list of all current and past partners of any status (e.g., general, limited, etc.) and provide copies of all documents that created, govern, and otherwise rules the partnership, including any amendments or modifications to any of the originals of such documents, and at least five years of partnership meeting minutes.
- N/A. KMBT is not a partnership.

Section 9.0 Compliance With This Request

79. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:
- a. the name and current job title of all individuals consulted;
 - Brent McMullin, Regional Environmental, Health and Safety Manager for Kinder Morgan Bulk Terminals, Inc.
 - Jack Waller, Terminal Manager, SSA Marine (formerly employed by KMBT)
 - b. the location where all sources reviewed are currently reside; and
 - Terminal 5 Offices
15550 N. Lombard
Portland, OR 97203
 - Kinder Morgan Bulk Terminals, Inc.
West Coast Region
1610 C. Street
Vancouver, WA 98663
 - c. the date consulted.
 - KMBT reviewed documents generated between January 1, 2008 and June 20, 2011.
 - KMBT consulted with the above-listed individuals between February 15, 2011 and July 15, 2011.
80. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase,

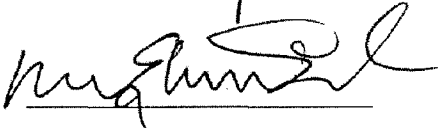
storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous substances, waste, or materials to or from, each Property identified in response to Question 4.

81. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. the document retention policy between 1937 and the present;
 - b. the approximate date of destruction;
 - c. a description of the type of information that would have been contained in the documents;
 - d. the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for destroying the documents; and the person(s) who had and/or still have the originals or copies of these documents; and
 - e. the names and most current addresses of any person(s) who may possess documents relevant to this inquiry.
- To the best of KMBT's knowledge, no KMBT responsive documents have been destroyed. KMBT is unaware of HBM's document retention policies.
82. Provide a description of all records available to you that relate to all of the questions in this request, but which have not been included in your responses.

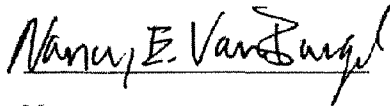
DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of KMBT and that the foregoing is, to the best of my current knowledge based on the information and documents assembled to date, complete, true, and correct.

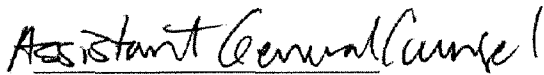
Executed on July 15, 2011.



Signature



Name



Title